

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,

Plaintiff,

v.

TYSON FOODS, INC., *et al.*,

Defendants.

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Case No. 4:05-CV-329-GKF-PJC

**DECLARATION OF INGRID L. MOLL
IN SUPPORT OF THE STATE’S APPLICATION FOR FEES AND EXPENSES
PURSUANT TO THE COURT’S ORDER [DKT #2734]**

I, Ingrid L. Moll, hereby state as follows:

1. I am a member in the law firm of Motley Rice LLC, and one of the attorneys representing Plaintiff, State of Oklahoma (“State”), in the above-captioned matter (“Action”). My office is located at 20 Church Street, 17th Floor, Hartford, Connecticut 06103.

2. On November 4, 2009, Magistrate Judge Cleary entered an Order granting in part and denying in part the State’s Motion for Sanctions Directed to the Cargill Defendants for Discovery Misconduct (“Motion for Sanctions”). Dkt. #2734 (“Order”). As part of that Order, the Magistrate Judge awarded the State its “expenses, including reasonable attorney fees, incurred as a result of Cargill’s counsel’s incorrect and incomplete responses to interrogatories; e.g., expenses and fees incurred in supplementing the summary judgment motion as well as those incurred in seeking sanctions.” *Id.* at 36. The Magistrate Judge further directed the State to file a “brief and affidavit(s) supporting the fees and expenses incurred on or before December 4, 2009.” *Id.* The Magistrate Judge subsequently granted two extensions of time relating to such submission.

3. I submit this Declaration on personal knowledge and in accordance with the Magistrate Judge's directive in support of the attorney fees and expenses sought by the State as incurred by Motley Rice LLC, counsel of record for the State in the Action.

4. The Action has been pursued on a fully contingent basis. Attached hereto as Exhibit B-1 is a statement of the time expended and recorded by my firm in the Action as a result of Cargill's counsel's incorrect and incomplete responses to interrogatories; e.g., expenses and fees incurred in seeking sanctions. The total amount for the services performed as just described through September 30, 2009 based upon our 2009 rates is \$17,330.00. The attached summary does not include time spent by my firm through the date of this Declaration preparing the State's fees application, for which we had primary responsibility, and this Declaration and exhibits attached hereto, although all such time is otherwise compensable under the Court's Order. A listing of the professionals who provided services as a result of Cargill's counsel's incorrect and incomplete responses to interrogatories, the number of hours spent by each such professional relating thereto, and his/her hourly rate is shown on Exhibit B-1. The information reflected on Exhibit B-1 was compiled from my firm's billing records, which are contemporaneous time records kept in the normal course of business and which I have personally reviewed.

5. Mathew Jasinski, a mid-level associate attorney with the law firm of Motley Rice LLC and attorney of record in the above-captioned case, had primary responsibility for drafting the necessary documents in seeking sanctions and conducting the underlying research relating to the possible sanctions that might have appropriately been sought and imposed on Cargill and/or its counsel for the violations described in the State's Motion for Sanctions. Throughout this process, Mr. Jasinski conferred not only with me, but also with several co-counsel and the Attorney General's Office. I also participated in the revision of and analysis underlying the

Motion for Sanctions and oversaw and assisted Mr. Jasinski in his efforts. This included many conferences with various co-counsel. Co-counsel from the law firms of Bullock, Bullock & Blakemore, PLLC and Riggs, Abney, Neal, Turpen, Orbison & Lewis Inc. have simultaneously submitted affidavits for fees incurred by such firms in accordance with the Magistrate Judge's Order.

6. The hourly rates requested are \$500 for Ingrid Moll and \$300 for Mathew P. Jasinski. These hourly rates are our current private practice rates. Our primary office is the Connecticut office of Motley Rice LLC.

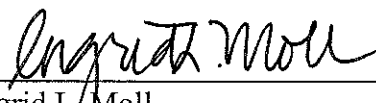
7. In connection with the discovery misconduct giving rise to the Order, my firm has also incurred \$159.25 in expenses, which relate to the cost of obtaining the transcript from the September 25, 2009 hearing before Magistrate Judge Cleary on the State's Motion for Sanctions.

8. Should the Court so desire, the State will provide for an *in camera* review the underlying time records of Motley Rice LLC that support the summary attached hereto as Exhibit B-1.

9. I hereby declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that the foregoing Declaration is true and correct to the best of my knowledge.

WHEREFORE, the State seeks the sum of \$17,330.00 in fees and \$159.25 in expenses incurred by Motley Rice LLC from the Cargill Defendants and/or their counsel.

Executed this December 24, 2009 at Hartford, Connecticut.



Ingrid L. Moll

State of Oklahoma v. Tyson Foods, Inc. et al.

MOTLEY RICE LLC
TIME AND EXPENSES RE: CARGILL DISCOVERY MISCONDUCT

<u>Date</u>	<u>Initials</u>	<u>Work Description</u>	<u>Hours</u>	<u>Fees</u>
07/30/09	IM	Teleconference with D. Page and R. Garren regarding motion for sanctions regarding Ginn/Cargill issue	0.70	\$350.00
08/01/09	IM	Correspond with legal team regarding Ginn/Cargill issue	0.10	\$50.00
08/03/09	IM	Confer with M. Jasinski regarding sanctions motion regarding Ginn/Cargill	0.20	\$100.00
08/03/09	MJ	Confer with I. Moll regarding sanctions for Cargill discovery misconduct	0.20	\$60.00
08/05/09	MJ	Review and analyze case law regarding sanctions for discovery abuse and false interrogatories	4.20	\$1,260.00
08/06/09	IM	Teleconference with B. Blakemore re: Ginn/Cargill sanctions and motion to supplement summary judgment record.	0.20	\$100.00
08/06/09	MJ	Continue review of relevant authorities regarding sanctions for Cargill discovery misconduct	3.80	\$1,140.00
08/07/09	MJ	Begin drafting motion for sanctions for Cargill discovery misconduct	6.40	\$1,920.00
08/10/09	MJ	Continue drafting motion for sanctions regarding Cargill discovery misconduct	4.80	\$1,440.00
08/11/09	IM	Revise motion for sanctions directed to Cargill; correspond and confer with M. Jasinski regarding same.	1.10	\$550.00
08/11/09	MJ	Revise and edit motion for sanctions regarding Cargill discovery misconduct.	7.50	\$2,250.00
08/12/09	IM	Email co-counsel re: Ginn/Cargill sanctions motion.	0.10	\$50.00
08/12/09	MJ	Revise and edit motion for sanctions regarding Cargill discovery misconduct; numerous conference calls with K. Burch regarding same.	5.50	\$1,650.00
09/05/09	IM	Email co-counsel re: Ginn/Cargill sanctions motion.	0.10	\$50.00
09/07/09	IM	Address issues regarding motion for sanctions directed to Cargill.	0.30	\$150.00
09/10/09	IM	Email co-counsel re: Ginn/Cargill sanctions motion.	0.10	\$50.00
09/11/09	IM	Prepare motion to expedite ruling on motion for sanctions against Cargill; correspond with co-counsel re: same; conference with M. Jasinski re: State's reply to Cargill's opposition brief.	0.50	\$250.00
09/11/09	MJ	Review and analyze Cargill's opposition to motion	6.80	\$2,040.00

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		for sanctions and authorities cited therein; begin drafting reply to same; teleconferences with B. Blakemore re: same.		
09/12/09	MJ	Continue drafting reply to Cargill's opposition to motion for sanctions.	3.50	\$1,050.00
09/13/09	IM	Correspond with team regarding motion for sanctions against Cargill.	0.10	\$50.00
09/13/09	MJ	Continue drafting reply to Cargill's opposition to motion for sanctions.	4.20	\$1,260.00
09/14/09	IM	Finalize reply in support of Cargill-related motion for sanctions.	1.00	\$500.00
09/14/09	MJ	Revise/edit reply in further support of motion for sanctions against Cargill.	3.20	\$960.00
09/23/09	IM	Correspond with team regarding motion for sanctions against Cargill and scheduled hearing before Magistrate Judge Cleary.	0.10	\$50.00

Summary by Timekeeper

	Attorney	Position	Hours	Rate	Total
IM	Ingrid Moll	Member	4.60	\$500	\$2,300.00
MJ	Mathew Jasinski	Associate	50.10	\$300	\$15,030.00
					\$17,330.00